

REMARKS

Claims 1 through 3 and 14 through 16 were presented for examination in the present application. New claims 22 through 24 have been added. Thus claims 1 through 3, 14 through 16, and 22 through 24 are presented for consideration upon entry of the instant amendment.

The specification was objected to. The specification has been amended accordingly. Reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claim 1 through 3 and 14 through 16 were rejected under 35 U.S.C. 102(b) as being anticipated by GenBank Accession No: AF068223 (April 1, 2000) (hereinafter "GenBank").

Independent claim 1 now recites "A composition for treating or preventing a flavivirus or pestivirus infection, comprising: a Jab1 (Jun-activation binding protein 1) protein; and a pharmaceutically acceptable carrier (emphasis added)".

The Office Action asserts that "A Jab1 protein having an amino acid sequence of SEQ ID NO: 2 is taught by GenBank sequence submission AF068223.... The protein is encoded by the nucleotide sequence additionally disclosed (nucleotide positions 22-1282 correspond to SEQ ID NO: 1....". See, page 4, lines 8 - 12.

GenBank discloses only an amino acid sequence and nothing more. As such, Applicants respectfully submit that GenBank does not disclose or suggest the pharmaceutically acceptable carrier

now recited by independent claim 1 and thus a composition for treating or preventing a flavivirus or pestivirus infection comprising a a Jab1 protein and a pharmaceutically acceptable carrier. As such, claim 1 is in condition for allowance. Claims 2, 3, and 14 through 16 depend from independent claim 1 and are in condition for allowance for at least the reason set forth above with regard to claim 1.

Reconsideration and withdrawal of the rejections to claims 1 through 3 and 14 through 16 are respectfully requested.

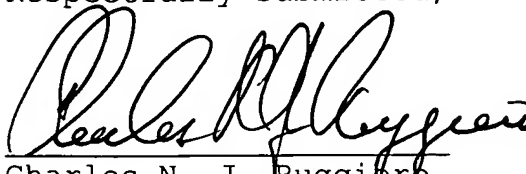
New claims 22 through 24 have been added to point out various aspects of the present application. It is submitted that new claims are directed to the elected embodiment.

It is believed that new claims 22 through 24 are in condition for allowance. For example, new claims 22 through 24 depend from allowable claim 1.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N. J. Ruggiero", written over a horizontal line.

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